



Western Review

of Legislative & Regulatory Actions

Region 8

The U.S. Army Regional Environmental & Energy Office

March 2018

The **Region 8 Western Review** publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the six states in Federal Region 8, the *Western Review* gives early notice of legislative and regulatory activities relevant to DOD interests. For installations that implement an environmental management system in accordance with ISO 14001 specifications, the content of the *Review* may help them identify emerging requirements.

The *Review* is published under contract to the U.S. Army Corps of Engineers (USACE). The information in this publication is derived from a variety of sources and is not created by USACE.

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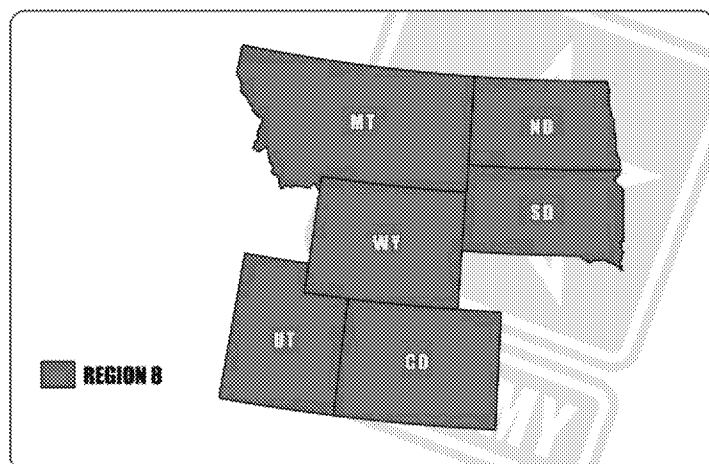


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CLIMATE RISKS TO MILITARY

DOD's Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics released in January the results of a comprehensive new survey of climate change-related risks to military infrastructure worldwide. The study, Climate-Related Risk to DOD Infrastructure Initial Vulnerability Assessment Survey Report, is a response to a congressional request from 2016.

The vulnerability assessment is based on a qualitative survey of military personnel at more than 3,500 sites. It does not offer specific cost estimates related to vulnerabilities, but it does paint a picture of current climate change-related risks to military installations both at home and abroad, with approximately half of sites reporting damage from flooding due to storm surge; flooding due to non-storm surge events (e.g., rain, snow, sleet, ice, river overflow); extreme temperatures (both hot and cold); wind; drought; and wildfire.

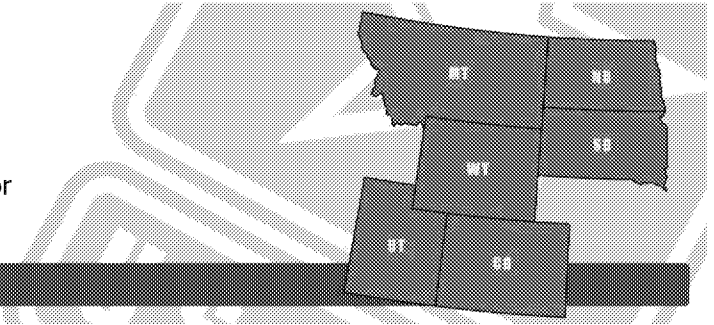
The highest number of the reported effects resulted from drought (782) followed closely by wind (763) and non-storm surge flooding (706). About 10 percent of sites indicated being affected by extreme temperatures (351), while storm surge flooding (225) and wildfires (210) affected about 6 percent of the sites reporting. Nearly 50 percent of sites (1,684) reported they had no effects to any assets.

The asset categories most reported as having one or more effects in the past were: airfield operations, followed by transportation infrastructure, energy infrastructure, training/range facilities, and water/wastewater systems to round out the top five. Logistics/supply operations ranked last in reported effects.

Various studies have identified a broad range of effects that could impact DOD's ability to fully execute the Defense mission of protecting and maintaining the security interests of the United States at home and around the world.

Region 8

For more information or to comment on any state issues in Region 8, contact [Julia Miller](#), Region 8 Program Coordinator (303) 844-0952.



AIR

CONTROL OF HAZARDOUS AIR POLLUTANTS. The Colorado Department of Public Health and Environment (CDPHE) is proposing to revise Regulation 8, Parts A and E, to incorporate by reference additions and changes that the U.S. Environmental Protection Agency (EPA) made to its National Emission Standards for Hazardous Air Pollutants in Title 40 Code of Federal Regulation (CFR) Part 61 and Maximum Achievable Control Technology (MACT) standards in 40 CFR 63. The rulemaking would also update citation dates and make housekeeping corrections. Comments are due 1 MAY 18. A public hearing is scheduled for 17 MAY 18.

STATIONARY SOURCES. CDPHE is proposing to incorporate by reference additions and changes to federal New Source Performance Standards (NSPS), Emission Guidelines, and performance specifications in 40 CFR Part 60. The rulemaking would update the citation dates and incorporate by reference in full new and revised NSPS, Emissions Guidelines and Compliance Times, and performance specifications and incorporate by reference EPA's Continuous Emission Monitoring in 40 CFR 75. The rulemaking would revise Regulation 6 Part A, Title 5 Colorado Code of Regulation (CCR) Section 1001-8. A public hearing is scheduled for 17 MAY 18.

COLORADO SIP—TRANSPORTATION CONFORMITY. EPA is proposing to approve a revision to the Colorado State Implementation Plan (SIP) ([83 FR 4614](#)). The revision addresses minor changes and makes corrections to the transportation conformity requirements of Regulation 10, Criteria for Analysis of Conformity. Comments were due 5 MAR 18.

NATURAL RESOURCES

JAPANESE BEETLE. The Colorado Department of Agriculture is proposing to take a suite of actions against the Japanese beetle, an invasive species. The department is proposing to expand the quarantine coverage area, incorporate by reference the [National Plant Board's Japanese Beetle Harmonization Plan](#); remove information on insecticides to focus on active ingredients; expand the scope of Japanese beetle trapping and management requirements for plants in small containers shipped into the state from areas under quarantine; provide more flexibility for shipments of ornamental grasses into Colorado or shipments from areas under quarantine; and correct typographical and non-substantive errors.

WASTE

HAZARDOUS WASTE—LEWISITE AGENT. CDPHE is proposing to add Lewisite Agent to Part 261 of Colorado Hazardous Waste Regulations List of Hazardous Constituents, Appendix VIII, and to the Basis of Listing Hazardous Waste, Appendix VII for K-listed wastes K901 and K902. Currently, K901 wastes are described as waste chemical weapons using or containing any chemical compound identified in Appendix VII of Part 261 as the basis for the listing. K902 hazardous wastes consist of "any soil, water, debris or containers contaminated through contact with waste chemical weapons

listed as K901.” The rulemaking would amend 6 CCR 1007-3. Lewistite is a World War II-era chemical weapon. A rulemaking hearing was held 21 FEB 18. The proposed rule text, statement of basis and purpose, and notice of public hearing are available [here](#).

WATER

STORAGE TANKS. The Colorado Department of Labor and Employment Division of Oil and Public Safety is proposing to update regulations for above and underground storage tanks, 7 CCR 1101-14. The rulemaking updates references, extends financial responsibility to owners of new aboveground storage tanks, and implements compliance incentives. A public hearing was held 2 MAR 18. The draft regulation is available [here](#).

TRIENNIAL REVIEW—REGULATIONS 32 AND 36. CDPHE is proposing to revise water quality classifications, standards and designations for multiple segments in the Classifications and Numeric Standards for Arkansas River Basins, Regulation 32 (5 CCR 1002-32) and Rio Grande Basins, Regulation 36 (5 CCR 1002-36). A rulemaking hearing is scheduled for 11 JUN 18. The rulemaking hearing is the third and final step in the three-step process for triennial review of water quality classifications and standards. Comments are due 30 MAY 18.

REGULATION 93—COLORADO SECTION 303 (D) LIST OF IMPAIRED WATERS AND MONITORING EVALUATION LIST. CDPHE adopted revisions to the list of Water-Quality-Limited Segments Requiring Total Maximum Daily Loads (TMDLs), Colorado’s Monitoring and Evaluation List, and the list of Impaired Water Bodies Not Requiring TMDLs. The final rule was effective 2 MAR 18. The notice of rule adoption is available [here](#).

REGULATION 42—SITE-SPECIFIC CLASSIFICATIONS AND STANDARDS FOR GROUNDWATER—PFOA, PFOS. CDPHE is proposing to revise Regulation 42, Site-Specific Water Quality Classifications and Standards for Groundwater, 5 CCR 1002-42. The revisions would redefine the Widefield-Fountain aquifer in El Paso County, Colorado, and require the area to meet a combined limit in groundwater for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) of 70 micrograms per liter (µg/l). The rule would specify the Widefield-Fountain aquifer includes the Widefield Aquifer, Windmill Gulch Aquifer, Sand Creek Aquifer, Crews Gulch Aquifer, Fountain Creek Alluvial Aquifer and other adjacent unconfined aquifers in El Paso County, and that groundwater in the area is subject to specified PFOA/PFOS limits. A public hearing is scheduled for 9 APR 18. For more information, click [here](#).

LEGISLATIVE SESSION: 10 JAN 18 THROUGH 9 MAY 18 (EST.)

An * indicates the first time a bill appears in the 2018 *Western Review*.

<i>Colorado Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
<u>SB 117</u> <i>Senator Kerry Donovan (D)</i> Requires the Department of Public Health and Environment to collect and report on greenhouse gas emissions data.	✓			
* <u>SB 181</u> <i>Senator John Cooke (R)</i> Extends the motor vehicle emissions inspection cycle for 1982 and newer model motor vehicles from every two years to every four years and specifies that a motor vehicle does not fail an emissions inspection solely because a check-engine light is illuminated on the motor vehicle’s dashboard.	✓			

<i>Colorado Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
ENERGY				
<u>SB 64</u> <i>Senator Matt Jones (D)</i> Updates the renewable energy standard. Requires all electric utilities, including cooperative electric associations and municipally-owned utilities to derive their energy from 100 percent renewable sources by 2035. Phases out the system of tradable renewable energy credits after 2035.	✓			
LAND USE				
<u>HB 1122</u> <i>Representative Kimmi Lewis (R)</i> Requires a comprehensive public accounting of conservation easements created in the state since 1998. Specifies what will be included in the accounting.	✓			
<u>*HB 1123</u> <i>Representative Kimmi Lewis (R)</i> Places a three-year moratorium on the ability to claim a state income tax credit for a portion of the value of a perpetual conservation easement on real property in the state. The moratorium is in effect from 1 JAN 19 through 31 DEC 21.	✓			
<u>*HB 1194</u> <i>Representative Kimmi Lewis (R)</i> Addresses conservation easements. Freezes the amount of the conservation easement application fee. Provides for resolution if the value of a conservation easement is disputed. Sets a term limit of 20 years for a conservation easement. Requires the easement holder to annually submit a monitoring and compliance report to the landowner. Prohibits the easement holder from profiting financially from the easement. Allows a property owner to transfer or extinguish an easement if certain conditions are met.	✓			
NATURAL RESOURCES				
OTHER				
<u>HB 1054</u> <i>Representative Paul Rosenthal (D)</i> Enacts the Affordable Housing Plastic Shopping Bag Tax. Imposes a \$0.25 tax on plastic shopping bags to fund affordable housing.	✓			
WASTE				
WATER				
<u>HB 1069</u> <i>Representative Jennifer James Arndt (D)</i> Promotes various uses of reclaimed domestic wastewater, including use in toilet flushing. Authorizes the Water Quality Control Commission to establish new categories of water quality and to recategorize any use of reclaimed wastewater to a less stringent category of water quality standard.	✓			



AIR

FEDERAL REGULATIONS INCORPORATED BY REFERENCE. The Montana Department of Environmental Quality (MDEQ) is proposing to update federal regulations incorporated by reference to include those published in the CFR as of 1 JUL 17. The rulemaking excludes certain rules from incorporation by reference, including 40 CFR 60 Subpart TTTT, Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units. MDEQ is also proposing to incorporate by reference the Montana Ambient Air Monitoring Program Quality Assurance Project Plan (2017), a department manual that specifies ambient air sampling and data collection, recording, analysis, and transmittal requirements that pertain only to the department's monitoring program; and National Ambient Air Quality Standards (NAAQS) and ambient air quality monitoring reference standards, 40 CFR 50, published 3 OCT 16. The final rules were effective 24 FEB 18.

MONTANA SIP—MISSOULA. EPA approved a revised Missoula Carbon Monoxide Maintenance Plan into the Montana SIP (83 FR 4697). The second 10-year limited maintenance plan addresses maintenance of the carbon monoxide NAAQS for a second 10-year period beyond the original designation. The approval was effective 1 FEB 18.

WATER

WATER QUALITY IMPROVEMENTS. MDEQ released for public comment a draft report of water quality conditions in Montana for 2015-2017. The draft 2018 Water Quality Integrated Report contains information on status and trends of water quality in Montana, as well as a list of waterbodies that don't support full beneficial use and require a plan, referred to as a TMDL, for water quality improvement. The 2018 report notes seven waterbodies previously reported with water quality concerns that now meet applicable water quality standards. According to the report, these successes can be credited to land management activities such as forest practices, grazing practices or stream restoration projects. All of Montana's surface waters have water quality goals for aquatic life, which may be harmed by metals, sediment, nutrients, and high temperatures. Comments on the draft report are due 21 APR 18. For more information, click [here](#).

LEGISLATIVE SESSION: NOT IN SESSION IN 2018



WATER

UNDERGROUND STORAGE TANKS. The North Dakota Department of Health (NDDOH) adopted amendments to state Underground Storage Tank Management Rules, North Dakota Administrative Code (NDAC) Article 33-24. The amendments, which align state rules with federal requirements, address:

- Installation requirements for partially excluded underground storage tank systems;
- Periodic testing of spill prevention equipment, interstitial monitoring, overfill equipment, and periodic inspection of overfill equipment;
- Periodic operation and maintenance walkthrough inspections;

- Operator training, including reciprocity; and
- Requirements for field constructed tanks and airport hydrant fuel distribution systems.

The final rule, published 28 FEB 18, is effective 1 APR 18. The rulemaking website is available here.

NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM. NDDOH is proposing to update state rules governing the North Dakota Pollutant Discharge Elimination System to conform to changes in the federal program. The rulemaking amends NDAC 33-16-01. The proposed rulemaking also implements Senate Bill 2327 (2017) concerning the creation of the North Dakota Department of Environmental Quality. A public hearing is scheduled for 19 MAR 18. Comments are due 29 MAR 18.

LEGISLATIVE SESSION: NOT IN SESSION IN 2018



WATER

SURFACE WATER QUALITY REPORT. The South Dakota Department of Environment and Natural Resources (SDDENR) is seeking public comment on the draft 2018 South Dakota Integrated Report for Surface Water Quality Assessment, referred to as the Integrated Report, and the National 303(d) Program Vision, which located in the Surface Water Quality Monitoring Program section of the report. Comments are due 19 MAR 18.

DISCHARGE PERMITS. SDDENR is proposing to reissue two general permits, one for various activities that result in temporary discharges of relatively uncontaminated water to surface waters of the state, and another for discharges of stormwater from new or ongoing construction sites. The department released for public comment the draft general permit for temporary discharges, SDG070000, and associated temporary discharge permit statement of basis and the draft general permit for stormwater discharge associated with construction activities, SDR10000 and associated construction stormwater discharge permit statement of basis. Comments were due 11 MAR 18.

LEGISLATIVE SESSION: 9 JAN 18 THROUGH 26 MAR 18 (EST.)

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<i>South Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
ENERGY				
<u>SB 113</u> <i>Senator Arthur Rusch (R)</i> Revises certain provisions regarding guaranteed energy savings contracts.	✓			
LAND USE				
NATURAL RESOURCES				
* <u>SB 197</u> <i>Senator Kevin Killer (D)</i> Revises certain provisions on the protection of historic properties.	✓			

<i>South Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
OTHER				
SB 34 <i>Agriculture and Natural Resources</i> Revises provisions for registration of pesticide products.	✓	✓	✓	Enacted
WASTE				
WATER				
SB 25 <i>Agriculture and Natural Resources</i> Revises certain fees for entities permitted under the National Pollutant Discharge Elimination System.	✓	✓	✓	To Governor



LEGISLATIVE SESSION: 22 JAN 18 THROUGH 8 MAR 18

An * indicates the first time a bill appears in the 2018 *Western Review*.

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
HB 101 <i>Representative Patrice Arent (D)</i> Amends requirements for emissions testing of motor vehicles.	✓	✓		
ENERGY				
LAND USE				
HB 249 <i>Representative Keven Stratton (R)</i> Adopts the statewide Resource Management Plan. Requires the Public Lands Policy Coordinating Office to monitor implementation of the statewide resource management plan at the state and local levels.	✓	✓		
HB 257 <i>Representative John Knotwell (R)</i> Establishes the West Traverse Sentinel Landscape Act to create a compatible land use buffer surrounding Camp Williams. Seeks to enhance the relationship between adjacent land owners and Camp Williams. Creates incentives for local land owners to adopt land management practices consistent with the camp. Creates a coordinating committee and associated fund.	✓	✓		
NATURAL RESOURCES				

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
OTHER				
HB 96 <i>Representative Ken Ivory (R)</i> Extends, by 10 years, the repeal date for the Constitutional and Federalism Defense Act. The act establishes the Constitutional Defense Council which advises the state on the constitutionality of federal actions.	✓	✓	✓	
*HB 413 <i>Representative Scott Chew (R)</i> Modifies the Utah Pesticide Control Act. Requires a pesticide applicator business to have at least two years of experience as a licensed pesticide applicator before it can be issued a license to operate.	✓			
*SB 192 <i>Senator Jani Iwamoto (D)</i> Creates the Retail Bag Impact Reduction Act. Imposes a \$0.10 fee for each single-use retail bag. Defines single-use retail bag. Specifies how funds generated by the fee can be spent.	✓			
WASTE				
WATER				
HB 103 <i>Representative Gage Froerer (R)</i> Modifies provisions related to water conservation plans.	✓	✓		
*HB 303 <i>Representative Scott Sandall (R)</i> Amends provisions related to drinking water source and storage requirements. Establishes system-specific source and minimum sizing requirements for certain community water systems.	✓			
*HB 450 <i>Representative Gage Froerer (R)</i> Amends the Wastewater Reuse Act. Requires a publically owned treatment works to file an application if the point of diversion is moved more than 660 feet from a previously approved point. Makes technical changes.	✓			



AIR

WYOMING AIR QUALITY STANDARDS AND REGULATIONS. The Wyoming Department of Environmental Quality (WDEQ) adopted amendments to Wyoming Air Quality Standards and Regulations (WAQSR). The rulemaking incorporates by reference federal regulations published in the CFR as of 1 JUL 17 and corrects a reference to particulate matter in nonattainment area regulations. The rulemaking amended WAQSR Chapter 2, Section 12; Chapter 3, Section 9; Chapter 4, Section 6; Chapter 5, Section 4; Chapter 6, Section 14; Chapter 8, Sections 3 and 10; and Chapter 11, Section 2. Amendments that revise the Wyoming SIP will be submitted to EPA for approval. The final rule was effective 5 FEB 18.

WASTE

SOLID WASTE RULES AND REGULATIONS. WDEQ is proposing to amend Chapter 4, Construction and Demolition Landfill Regulations, and Chapter 6, Transfer, Treatment and Storage Facility Regulations of the Solid Waste Rules and

Regulations. The proposed amendments reorganize rules and allow for the issue of operating permits for the operating life of facilities through closure. A public hearing to consider rule adoption is scheduled for 29 MAR 18. Comments are due the same day. For more information, click here.

WATER

STORAGE TANKS. WDEQ is proposing to align state rules for underground storage tanks with the federal 2015 amendments to underground storage tank rules. The rulemaking would move existing rules for storage tanks from Chapter 17 to Chapter 1 and adopt the 2015 federal amendments. The rules are being placed in a new chapter in response to a 2017 legislative action transferring authority to administer the storage tank program to the Solid and Hazardous Waste Division. In January, Wyoming Governor Matt Mead authorized the department to proceed with the rulemaking. A public hearing is scheduled for 29 MAR 18. Comments are due the same day. For more information, click here.

LEGISLATIVE SESSION: 12 FEB 18 THROUGH 10 MAR 18

<i>Wyoming Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
ENERGY				
LAND USE				
NATURAL RESOURCES				
HB 20 <i>Joint Travel, Recreation, Wildlife & Cultural Resources Interim Committee</i> Addresses cooperative agreements with federal agencies. Requires legislative approval of new or extended agreements. Requires periodic reports on agreements entered into or extended with federal agencies.	✓			Failed
OTHER				
WASTE				
WATER				

Federal Activity

AIR

RECLASSIFICATION OF MAJOR SOURCES AS AREA SOURCES UNDER SECTION 112 OF CLEAN AIR ACT. EPA has issued a guidance memorandum titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act" (83 FR 5543). EPA is also withdrawing the memorandum titled "Potential to Emit for MACT Standards—Guidance on Timing Issues." View this guidance memorandum [here](#).

REPEAL OF CARBON POLLUTION EMISSION GUIDELINES FOR EXISTING STATIONARY SOURCES. On 16 OCT 17, EPA published a proposal to announce its intention to repeal the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, commonly referred to as the Clean Power Plan, as promulgated 23 OCT 15. The proposal also requests public comment on the proposed rule. EPA held public hearings 28–29 NOV 17, and extended the public comment period until 16 JAN 18. In response to numerous requests for additional opportunities for the public to provide oral testimony on the proposed rule in more than one location, EPA is announcing that three listening sessions will be held. In addition, EPA will reopen the public comment period until 26 APR 18 (83 FR 4620).

CLIMATE CHANGE

DRAFT INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS: 1990–2016. EPA has released for review the [Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2016](#). This annual report provides a comprehensive accounting of total greenhouse gas emissions for all man-made sources in the United States. Comments were due 9 MAR 18.

ENERGY

ELECTRIC STORAGE PARTICIPATION IN MARKETS. In advance of publication in the Federal Register, the Federal Energy Regulatory Commission (FERC) has released the [text of a rule](#) that will remove barriers to the participation of electric storage resources in the capacity, energy, and ancillary services markets operated by Regional Transmission Organizations and Independent System Operators. In a November 2016 Notice of Proposed Rulemaking, FERC noted that market rules designed for traditional generation resources can create barriers to entry for emerging technologies such as electric storage resources. This final rule helps remove these barriers by requiring each regional grid operator to revise its tariff to establish a participation model for electric storage resources that consist of market rules that properly recognize the physical and operational characteristics of electric storage resources.

MARKET PARTICIPATION OF DISTRIBUTED ENERGY RESOURCE AGGREGATIONS. FERC will hold a technical conference 10–11 APR 18 in Washington, DC, to discuss the participation of distributed energy resource aggregations in Regional Transmission Organization and Independent System Operator markets, and to more broadly discuss the potential effects of distributed energy resources on the bulk power system (83 FR 7703). The technical conference will provide for:

- Gathering additional information to help FERC determine what action to take on the distributed energy resource aggregation reforms; and
- Exploring issues related to the potential effects of distributed energy resources on the bulk power system.

DOE Launches OSTI.GOV. The U.S. Department of Energy (DOE) Office of Scientific and Technical Information (OSTI) has taken another step in improving citizen and researcher access to DOE research results. Specifically, OSTI has [redesigned](#) its homepage and website so that [OSTI.GOV](#) now serves as the search tool for DOE's research and development results, as well as OSTI's organizational hub. The search tool feature of OSTI.GOV, formerly called SciTech

Connect, makes available over 70 years of research results from DOE and its predecessor agencies, including journal articles and related metadata, technical reports, scientific research datasets and collections, scientific software, conference and workshop papers, books and theses, patents, and multimedia.

GSA GOALS AND PERFORMANCE MEASURES TO MANAGE SMART BUILDINGS PROGRAM. The Government Accountability Office (GAO) has released a [report](#) reviewing the General Services Administration's (GSA) smart buildings program. Two key technologies included in the program are internet-connected advanced utility meters and an analytical software application, GSALink, which alerts staff to potential building system problems, such as equipment operating outside of normal hours. GSA can install GSALink only in buildings whose building automation system operates on GSA's protected network. To date, GSA has upgraded building automation systems to operate on the agency's protected network in approximately 400 buildings. Additional information can be found [here](#).

GSA COST-EFFECTIVE UPGRADES TOOL. This GSA [website](#) is designed to help identify upgrades and energy conservation measures that can enhance building sustainability. To help with procurement, reports can be generated to outline upgrades, including their economic benefits.

MISCELLANEOUS

CALL FOR NOMINATIONS FOR 2018 FEDERAL ENERGY AND WATER MANAGEMENT AWARDS. The Federal Energy Management Program (FEMP) has [issued](#) a call for nominations for 2018 Federal Energy and Water Management Awards. These awards honor outstanding federal agency achievements in energy, water, and fleet management. All nominations must be submitted to FEMP's Awards Nomination website by 26 APR 18. More information can be found on FEMP's Federal Awards webpage, including the 2018 Criteria and Guidelines document. FEMP plans to announce the winners in July 2018 and host a ceremony for the winners in Washington, DC, in fall 2018.

NATURAL RESOURCES

DEPARTMENT OF INTERIOR REORGANIZATION. As part of a proposed department-wide reorganization, the U.S. Department of Interior (DOI) [is proposing](#) to establish 13 unified regional office boundaries across all DOI bureaus in place of the existing 10 bureaus and 40 distinct regions, each operating with unique regional boundaries. Initially, the proposed reorganization followed watersheds and ecosystems, rather than state boundaries. After the Western Governors' Association (WGA) contacted DOI requesting more consultation and offering feedback on the first boundary map, DOI released a draft proposed boundary map, [frequently asked questions about the process for reorganization](#), and a commitment to discuss the proposed revised map with state governors before it is implemented. A news release from WGA about the proposed reorganization is available [here](#).

LIST OF CRITICAL MINERALS. DOI has released a [draft list](#) of 35 mineral commodities deemed critical under the definition provided in Executive Order 13817 issued 20 DEC 17, "A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals" (83 FR 7065).

THREATENED AND ENDANGERED SPECIES

PERMITS FOR ACTIVITIES TO ENHANCE PROPAGATION OR SURVIVAL OF ENDANGERED OR THREATENED SPECIES. The U.S. Fish and Wildlife Service is requesting comments on applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained ([83 FR 8098](#)). Comments are due 26 MAR 18.

TOXICS

2018 ANNUAL REPORT ON RISK EVALUATIONS UNDER TSCA. EPA has [issued](#) the second annual report on risk evaluations as required under the amended Toxic Substances Control Act (TSCA). The [2018 Annual Report on Risk Evaluations](#)

Under TSCA identifies the next steps for the first 10 chemical reviews currently underway and describes EPA's work in 2018 to prepare for future risk evaluations. By 22 DEC 19, EPA will have designated 20 substances as Low-Priority and initiated risk evaluations on 20 High-Priority substances. To support these risk evaluations and other key aspects of TSCA implementation, EPA has made available a prepublication copy of a proposed TSCA fees rule. The proposed fees on certain chemical manufacturers, including importers, would go toward: (1) developing risk evaluations for existing chemicals; (2) collecting and reviewing toxicity and exposure data and information; (3) reviewing confidential business information; and (4) making determinations regarding the safety of new chemicals before they enter the marketplace.

WASTE

RAILROAD TIES ADDED TO LIST OF NON-WASTE FUELS. EPA has added "other treated railroad ties" (OTRT) to the categorical non-waste fuel list (83 FR 5317). By non-waste, EPA means not a "solid waste" under the Resource Conservation and Recovery Act (RCRA). Solid wastes may not be combusted in units designed to burn biomass. OTRT railroad ties treated with processed creosote-borate, copper naphthenate, and copper naphthenate-borate can be combusted in units designed to burn biomass, biomass and fuel oil, or biomass and coal under Clean Air Act (CAA) 112 standards, provided that contaminant levels for any other hazardous air pollutant present in the material is comparable to traditional fuels. Creosote-treated railroad ties were added in 2016 to the categorical non-waste fuel list.

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE CFR CORRECTION. 40 CFR Parts 260 to 265, revised as of 1 JUL 17, on page 64, in § 261.6, paragraph (a)(2)(iv) is reinstated to read: "Spent lead-acid batteries that are being reclaimed (40 CFR Part 266, Subpart G)" (83 FR 5340).

WATER

CLEAN WATER ACT COVERAGE OF DISCHARGES OF POLLUTANTS VIA DIRECT HYDROLOGIC CONNECTION TO SURFACE WATER. EPA is requesting comment on EPA's previous statements regarding the Clean Water Act (CWA) and whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation (83 FR 7126). EPA is requesting comments on whether the agency should consider clarification or revision of those statements; and if so, comment on how clarification or revision should be provided. Comments are due 21 MAY 18.

Department of Defense Activity

DOD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM. DOD has issued a final rule revising the Freedom of Information Act (FOIA) regulation to incorporate the provisions of the Open Government Act of 2007 and the FOIA Improvement Act of 2016 (83 FR 5196). The revised regulation takes precedence over all DOD Component issuances that supplement and implement the DOD FOIA Program.

PROCESSING REQUESTS TO ALTER U.S. ARMY CORPS OF ENGINEERS CIVIL WORKS PROJECTS. USACE has released a draft Engineer Circular (policy document) addressing how USACE will process requests by others to alter a USACE civil works project. For example, other entities may want to alter a civil works project to increase recreational opportunities; improve flood risk management; or construct a road, transmission line, or pipeline across a civil works project. The purpose of the Section 408 review is to ensure that the congressionally authorized purpose and benefits of a civil works project are protected and maintained (e.g., flood risk management, navigation, coastal storm damage reduction) and to ensure what is being proposed is not injurious to the public interest.

REQUEST FOR PROPOSALS FOR BENEFICIAL USE OF DREDGED MATERIAL. USACE has requested proposals for beneficial use of dredged material projects (83 FR 5763). USACE is required to carry out the pilot program in consultation with relevant

state agencies and to establish regional beneficial use teams to identify and assist in the implementation of projects. Projects identified under Section 1122 must maximize the beneficial placement of dredged material from federal and non-federal navigation channels and incorporate, to the maximum extent practicable, two or more federal navigation, flood control, storm damage reduction, or environmental restoration projects. Implementation must foster federal, state, and local collaboration; implement best practices to maximize the beneficial use of dredged sand and other sediments; and ensure environmental compliance.

Professional Development

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING. USACE released the FY 2018 PROSPECT (Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the course catalog and list of classes and schedule for details. Environmental courses include, but are not limited to:

- The RCRA Complete (Course Control Number (CCN) 226)
- Environmental Regulations Practical Application Course (CCN 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Environmental Remediation Technologies (CCN 395)
- Environmental Laws and Regulations (CCN 170)

NAVY CIVIL ENGINEER CORPS OFFICERS SCHOOL TRAINING. The Navy Civil Engineer Corps Officers School (CECOS) offers training on environmental management, pollution prevention, environmental compliance, environmental conservation and planning, and environmental restoration. Energy course offerings include Leadership in Energy and Environmental Design, Energy Information Administration, and Energy Technology Information. Click here for information on course offerings and times. Courses offered by CECOS are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING. The Air Force Civil Engineer School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS. The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the U.S. Army Environmental Command website, which has links to training provided by DOD organizations.

FEDERAL TRAINING SOURCES

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE). [FedCenter.gov](https://www.fedcenter.gov) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information, such as:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Access to [environmental assistance](#);
- Access to free, [FedCenter-sponsored courses](#)
- Applicable laws and Executive Orders; and
- [Partnerships](#).

FedCenter also provides member assistance services such as collaboration tools for workgroups, environmental reporting tools, and daily newsletter and subscription services.

REPI WEBINAR SERIES (ONLINE). DOD's Readiness and Environmental Protection Integration (REPI) program offers [webinars](#) on best practices, tutorials, and knowledge sharing on partnerships that support the military mission and accelerate the pace and rate of land conservation. Archived webinars are available [on demand](#).

SERDP AND ESTCP WEBINAR SERIES (ONLINE). DOD's environmental research and development funding programs, the Strategic Environmental and Research and Development Program and the Environmental Security Technology Certification Program (SERDP and ESTCP), launched a [webinar series](#) to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions on topics targeted for DOD and DOE audiences. Prior presentations are archived for viewing any time. Recently archived webinars, available on demand [here](#), include:

- [Research and Development Needs for Management of DOD's PFAS Contaminated Sites](#)
- [New Resource Conservation Insights to Desert Environments](#)

BIOBASED PRODUCT TRAINING SERIES (ONLINE). The U.S. Department of Agriculture (USDA) offers a series of [on-demand training modules](#) about biobased products and the BioPreferred® Program:

- [Fundamentals: Biobased Products and the BioPreferred® Program](#)
- [Sustainable Acquisition: Biobased Requirements in the New Executive Order 13693](#)
- [Contracting Officer Role in Contractor Reporting of Biobased Product Purchases](#)
- [BioPreferred® Training for USDA Acquisition Community](#)
- [From Awareness to Action: The BioPreferred® Federal Procurement Preference Program](#)
- [Products in Operations, Maintenance, and Cleaning](#)

EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY (ONLINE). Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of [live and archived webinars](#). Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE). The two-hour [course](#) provides staff involved in specifying and purchasing with a thorough introduction to compliance requirements, processes, and tools for procuring sustainable

products and services. Participants will receive specific guidance in how to meet executive order and Federal Acquisition Regulation requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

SUSTAINABLE ACQUISITION TRAINING RESOURCES (ONLINE). The interagency federal Sustainable Acquisition & Materials Management Practices Workgroup compiled a [spreadsheet](#) of sustainable acquisition training resources developed or hosted by federal agencies that are available to government employees, businesses, and non-governmental organizations.

FEMP eTRAINING COURSES (ONLINE). FEMP offers interactive, [eTraining courses](#) to help federal agencies develop core competencies and comply with energy-efficiency and renewable-energy water-management and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide to host these comprehensive, FEMP-developed eTraining courses. [Promotional materials](#) are available to help federal agencies encourage the completion of FEMP's eTraining courses.

ENERGY STAR (ONLINE). EPA's [Energy Star program](#) helps identify and promote energy efficiency in products, homes, and buildings. EPA hosts a [webinar series](#) that covers a range of topics, from how to benchmark in Portfolio Manager to financing energy efficiency improvements to how to engage building occupants.

ITRC TRAINING (ONLINE). The Interstate Technology and Regulatory Council (ITRC) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers [training courses](#) to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents. A list of ITRC's 2018 training classes is available [here](#) (dates subject to change).

GENERAL CONFORMITY TRAINING MODULES (ONLINE). The General Conformity Rule ensures that the actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. EPA's [online training conformity training program](#) covers all aspects of the rule and is divided into four modules.

WATER MANAGEMENT BASICS (ONLINE). This FEMP [online course](#) provides a concise introduction to comprehensive water management, to include key topic areas of basic water management terminology, history of federal water mandates, current Executive Order 13693 provisions, best practices associated with comprehensive water management, and proven water conservation financing mechanisms and strategies. The three-module course offers a thorough overview of water management in the federal context:

- Module One: Introduction to Federal Water Management
- Module Two: Introduction to Comprehensive Water Management
- Module Three: Financing and Launching Water Management Projects

CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES (ONLINE). This U.S. Geological Survey [webinar series](#) was developed to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation. The next webinar is scheduled for 22 FEB 18. Information on upcoming webinars is available from the BioClimate newsletter ([click](#) to subscribe).

RESTORATION WEBINAR SERIES (ONLINE). This [webinar series](#) is produced by a partnership between the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service. Archived webinars are available [here](#).

- 15 MAR 18: Testing a Novel Adaptation Strategy in a California Salt Marsh
- 26 APR 18: Positive or Neutral Effects of Non-native Plant Species in Hybrid Ecosystems
- 24 MAY 18: Where Shrews Walk on Water, Diversity by Design
- 21 JUN 18: Floodplain Reconnection on Butano Creek

COOPERATIVE FEDERALISM WEBINAR (ONLINE). The Environmental Council of the States (ECOS) released a [webinar](#), available on demand, highlighting ECOS' [paper](#) on Cooperative Federalism 2.0 and offering a deeper look into the EPA-state relationship.

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How the Regional Offices Work for You

The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

To comment on items in the *Western Review*, please contact the Regional Environmental Coordinator listed at the top of each region's section.

To be added to the *Western Review* distribution list, email the Regulatory Affairs Specialist.

